

1. Heard Mr. Patil, learned counsel for the petitioners.
2. The petitioners have impugned the order dated 20.3.2004 passed by learned Ist Adhoc Addl. District Judge Sangli in Regular Civil Appeal No.185 of 1995, by which the prayer of the petitioners for re-examination of the witness, has been rejected. Certain documents, which are, admittedly, the public documents, were shown to the petitioners in the cross-examination to seek his explanation. The documents were pertaining to the transactions in which the petitioner was a party. The petitioner categorically stated that he was not remembering those transactions. He was given sufficient opportunity to explain the documents in the cross-examination. Mr Patil, learned Counsel for the petitioners, submits that the petitioner would like to explain the documents which were shown to the petitioner in the cross-examination through re-examination since he now remembers what those documents pertain to. I am afraid, scope of re-examination cannot be expanded to such extent particularly when the witness was given sufficient opportunity to do so during his cross-examination. It is true that re-examination should not be confined to clarification

of ambiguities alone which arose in cross-examination as held by the Apex Court in Rammi alias Rameshwar Vs State of Madhya Pradesh, AIR 1999 Supreme Court 3544. But that does not mean the scope of reexamination could be expanded to the extend so as to allow the witness to state what he was not remembering in the cross-examination through re-examination. I find no infirmity in the impugned order. It is needless to say that the documents which were shown to the petitioner in cross-examination, being public documents, the submissions on his behalf can be advanced in respect thereof at the stage of final argument which Court will deal with in accordance with law. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)